

Regular Session, 2009

# ACT No. 292

HOUSE BILL NO. 519

BY REPRESENTATIVE LEGER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 17:3983(A)(4) and (F)(1) and 3995(A)(4)(a) and (c), relative to  
3 charter schools; to remove the cap on the number of charter schools that can be  
4 created; to provide relative to the fee that a school chartering authority may charge  
5 a charter school for certain administrative overhead costs; to provide relative to fee  
6 amounts; to provide limitations; to require chartering authorities to provide certain  
7 budget and use information relative to administrative fees to charter schools; to  
8 provide an effective date; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 17:3983(A)(4) and (F)(1) and 3995(A)(4)(a) and (c) are hereby  
11 amended and reenacted to read as follows:

12 §3983. Chartering process by type; eligibility; limitations; faculty approval; parental  
13 approval

14 A.(1)

15 \* \* \*

16 ~~(4)(a) No more than the number of charter proposals that would result in the~~  
17 ~~total number of charters entered equaling seventy may be entered into by all~~  
18 ~~chartering authorities.~~

19 ~~(b)~~ (a) A local school board may enter into any charter it finds valid,  
20 complete, financially well-structured, and educationally sound after meeting the  
21 requirements of this Chapter. Each such charter entered into shall be reported by the  
22 local school board to the State Board of Elementary and Secondary Education not  
23 less than two business days following the event. ~~If at any time prior to December~~  
24 ~~first of each chartering period, the number of such charters would result in a total of~~

1        ~~seventy charters having been entered into, the State Board of Elementary and~~  
2        ~~Secondary Education shall notify all local school boards and no more chartering shall~~  
3        ~~be permitted.~~

4                ~~(c)~~ (b) The State Board of Elementary and Secondary Education may approve  
5        applications for charters as it has determined acceptable pursuant to R.S. 17:3981(2)  
6        ~~until the limit of seventy is reached.~~ Applications may be approved only from May  
7        first through January thirty-first of each year.

8                ~~(d)~~ (c) A charter school shall begin operation by not later than twenty-four  
9        months after the final approval of the charter, unless such charter school is engaged  
10       in desegregation compliance issues and therefore must begin operation by not later  
11       than thirty-six months. If such operation does not occur, the charter for that school  
12       shall be automatically revoked although a new charter may be proposed if the limit  
13       on the total number of charter schools allowed in the state has not been reached.

14               ~~(e)~~ (d) Any proposal that is submitted to but not approved by either the local  
15       school board or the state board may be resubmitted to either board during the same  
16       approval cycle after significant revision. However, if a proposal is not approved by  
17       the local school board and then also not approved by the state board within the same  
18       approval cycle, then the proposal shall be submitted to the local school board for its  
19       consideration during the next approval cycle prior to being submitted to the state  
20       board.

21               ~~(f)~~ (e) A charter school, once approved, may begin operation only in July,  
22       August, or September of a given year; however, such school shall not begin  
23       operation sooner than eight months after such approval is granted.

24                                \*           \*           \*

25               F. As it relates to Type 5 charters:

26               (1) The limitations specified in R.S. 17:3991(B)(1) and (3) and the provisions  
27       of (A)(3)(a), ~~(4)(a), (c), and (f)~~ (b) and (e), and (C) and (D) of this Section shall not  
28       apply to or limit or restrict the number of such charters.

29                                \*           \*           \*

§3995. Charter school funding

A.

\* \* \*

(4)(a) ~~For the application period and first year of operation, a~~ A chartering authority may annually charge each charter school it authorizes a fee ~~not to exceed in an amount equal to~~ two percent of the total per pupil amount as defined by this Subsection that is received by a charter school for administrative overhead costs incurred by the chartering authority for considering the charter application and any amendment thereto, providing monitoring and oversight of the school, collecting and analyzing data of the school, and for reporting on school performance. ~~For a charter school's second year of operation and each year thereafter, the charter school and its chartering authority may negotiate a fee for such administrative overhead costs not to exceed three percent of the total per pupil amount as defined by this Subsection.~~ Such fee amount shall be withheld from the per pupil amount in monthly increments and shall not be applicable to any federal money or grants received by the charter school. Administrative overhead costs shall not include any cost incurred by the chartering authority to provide purchased services to the charter school. As provided by Subparagraph (b) of this Paragraph, a chartering authority or the Recovery School District, if applicable, may provide other services for a charter school and charge the actual cost of providing such services, but no such arrangement shall be required as a condition for authorizing the charter school.

\* \* \*

(c) At least thirty days prior to the beginning of each fiscal year, each charter school shall be provided by its chartering authority with a projected budget detailing anticipated administrative overhead costs and planned uses for fees charged for such costs. By not later than ninety days following the end of each fiscal year, each charter school shall be provided by its chartering authority an itemized accounting of all administrative overhead costs. Additionally, by not later than ninety days following the end of each fiscal year, each charter school shall be provided by its chartering authority or the Recovery School District, if applicable, an itemized

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_